



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JFw
Attorney Docket No. 040405-0336

Applicant: Rina HAYASAKA, et al

Title: COMPOSITE MEDIA FILE BROADCASTING PROGRAM
BROADCASTING CONTROL SYSTEM

Application No.: 09/840,121

Filing Date: April 24, 2001

Examiner: Grant, C. C.

Art Unit: 2611

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR § 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR § 1.97 and § 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR § 1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits, and within three (3) months of the mailing date of the foreign search report.

RELEVANCE OF EACH DOCUMENT

Any documents listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding Japanese application. Item of information A1 is a U.S. patent that is a counterpart to item of information A7. The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP§609). Cited Literature 2 was previously submitted to the PTO in an Information Disclosure Statement filed on August 3, 2004.

A translation of a portion of a Japanese Office Action that issued October 21, 2004 with respect to a counterpart Japanese patent application is provided below.

"Regarding Reasons 2 and 3

(List of Cited Literature

Cited Literature 1: Jerry Boetje and David Collier, A Common Information Structure for Broadcast Applications, SMPTE Journal, USA, Society of Motion Picture and Television Engineers, October 1997, p. 682-697

Cited Literature 2: Rina Hayasaka, Masahiro Tabuchi: Schedule Management System that Supports Real-Time Program Conversion in Digital Data Broadcasting, Information Processing Society of Japan Symposium Proceedings, Japan, Information Processing Society of Japan, June 28, 2000, Vol. 2000, No. 7, p. 571-576.

Comparison and decision

Described in Cited Literature 1 is the fact that time data and composite media files to be broadcast can be displayed using objects; and objects for which the transmission time cannot be determined can be transmitted by treating the relative time as the time (for example, refer to Appendix A, p. 694–696, etc.).

Disclosed in Cited Literature 2 is a broadcast system that, except for the “relational time object,” utilizes the “range designation time object” and the “offset designation time object” described in the Detailed Description of the Invention in the Description of the present application.

As indicated in 1. above, the citation of the Claims in the Specification of the present application is not supported by the citation of the Detailed Description of the Invention, and therefore, we cannot recognize priority in Japan to Japanese Patent Application 2000-123449, which is related to the present patent application.

Consequently, we find that, whether or not the inventions related to Claims 1 through 69 are the same as those of the aforementioned Cited Literature 1 or Cited Literature 2, if they do differ, the difference is not great.

Prior Art Literature

Published Japanese Translation of a PCT Application 2003-524307 (time object)

Japanese Unexamined Patent Application Publication 2000-115746 (object)

Japanese Unexamined Patent Application Publication 2000-115095 (object)

Japanese Unexamined Patent Application Publication H04-364682 (on-time transmission)

Japanese Unexamined Patent Application Publication H10-275180 (on-time transmission)

Japanese Unexamined Patent Application Publication H09-18786 (special number data transmission)

Japanese Unexamined Patent Application Publication H07-250036 (on-time transmission)

This Record of Prior Art Literature Search Results does not constitute a reason for rejection.”

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

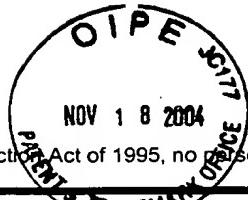
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date November 18, 2004 By Phillip J. Articola

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MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office, USPTO, A TRADEMARK OF THE UNITED STATES GOVERNMENT

Substitute for form 1A INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Complete if Known	
Date Submitted: November 18, 2004 <i>(use as many sheets as necessary)</i>		Application Number	09/840,121
		Filing Date	04/24/2001
		First Named Inventor	Rina HAYASAKA
		Group Art Unit	2611
		Examiner Name	C. C. Grant
Sheet	1	of	1
		Attorney Docket Number	040405-0336

U.S. PATENT DOCUMENTS						Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY		
		Number	Kind Code ² (if known)				
	A1	2003/0217360		GORDON et al.	11/20/2003		

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ⁶
	A9	JERRY BOETJE et al., "A Common Information Structure for Broadcast Applications", October 1997, pages 682-697.		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.